

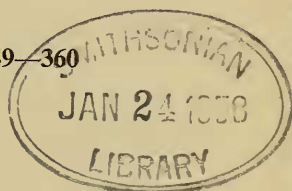
OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

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OPINION 497

Suppression under the Plenary Powers of the specific name *munda* Kuhl, 1820, as published in the combination *Proc.[ellaria] munda* and on the same occasion in the combination *Nectris munda* (Class Aves)

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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 497

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Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*) (16th December 1954)

OPINION 497

SUPPRESSION UNDER THE PLENARY POWERS OF THE SPECIFIC NAME "MUNDA" KUHL, 1820, AS PUBLISHED IN THE COMBINATION "PROC.[ELLARIA] MUNDA" AND ON THE SAME OCCASION IN THE COMBINATION "NECTRIS MUNDA" (CLASS AVES)

RULING :—(1) The under-mentioned specific names are hereby suppressed under the Plenary Powers for the purposes of the Law of Priority but not for those of the Law of Homonymy :—

- (a) *munda* Kuhl, 1820, as published in the combination *Proc.[ellaria] munda* ;
- (b) *munda* Kuhl, 1820, as published in the combination *Nectris munda*.

(2) The under-mentioned specific names are hereby placed on the *Official Index of Rejected and Invalid Specific Names in Zoology* with the Name Numbers severally specified below :—

- (a) *munda* Kuhl, 1820, as published in the combination *Proc.[ellaria] munda* (Name No. 484) ;
- (b) *munda* Kuhl, 1820, as published in the combination *Nectris munda* (Name No. 485).

I. THE STATEMENT OF THE CASE

On 1st August 1952, Mr. W. B. Alexander (then of the *Edward Grey Institute of Field Ornithology, Oxford*) addressed on his own behalf and on that of four New Zealand zoologists to the Office

of the Commission a preliminary communication on the question of the possible suppression by the Commission under its Plenary Powers of the specific name *munda* Kuhl, 1820, as then published both in the combination *Proc.[ellaria] munda* and in the combination *Nectris munda*. The four specialists who joined with Mr. Alexander in approaching the International Commission in this matter were:—(1) R. A. Falla (*Dominion Museum, Wellington, New Zealand*); (2) C. A. Fleming (*Wellington, New Zealand*); (3) R. C. Murphy (*American Museum of Natural History, New York*); (4) D. L. Serventy (*Commonwealth Scientific and Industrial Research Organisation, Perth, Australia*). It was not immediately possible to make any progress with this case. Correspondence in regard to it was, however, exchanged in 1955 between the Secretary and Mr. Fleming who had now replaced Mr. Alexander as the spokesman of the applicants, and this led to the submission to the International Commission of the following definitive application on 17th January 1956:—

**Proposed use of Plenary Powers to suppress the specific name “ munda ”
Kuhl, 1820, as in the combination “ Proc.[ellaria] munda ”
and “ Nectris munda ” (Class Aves)**

By W. B. ALEXANDER

(*Edward Grey Institute of Field Ornithology, Oxford, England*)

R. A. FALLA

(*Dominion Museum, Wellington, New Zealand*)

C. A. FLEMING

(*Wellington, New Zealand*)

R. C. MURPHY

(*American Museum of Natural History, New York, U.S.A.*)

and

D. L. SERVENTY

(*Commonwealth Scientific and Industrial Research Organisation,
Perth, Australia*)

During Cook's first voyage (1769—1770), Joseph Banks, in his manuscript diary preserved in the Alexander Turnbull Library, Wellington, New Zealand, used the name *Nectris munda* for sea-birds, presumably shearwaters, observed at sea in the South Pacific Ocean. Solander prepared a detailed description of *Nectris munda*, quoting two localities, one in the eastern South Pacific, off Chile, the other off the New Zealand coast, but this description was not published until 1912 (Mathews, *Birds Austr.* 2 : 59).

2. Kuhl (1820, *Beitr. Zool. Vergl. Anat.* 1(2) : 148) published the name *Proc. munda*, with *Nectris munda* Banks as a synonym, with a reference to an unpublished figure of Banks and the following brief description :—

“Cauda brevi, cuneiformi alis cauda aliquantum brevioribus. Unguibus falcatis. Magnitudine Perdicis.—The beak blue-grey towards the back and the point black, the legs and feet the same colour as in the *Procell. cyanopedo*—25 Febr. 1769. Lat. 48.27 ; longitudo 93. Banks.”

3. *Procell. cyanopedo* is a *nomen nudum* ; the figure of Banks referred to is an unpublished outline pencil sketch by Parkinson, itself considered indeterminable by Salvin (1876).

4. The following is a brief summary of the subsequent history of Kuhl's nominal species *Nectris munda* :—

1868—1869 : Giglioli & Salvadori (*Atti. Soc. ital. Sci. nat.* 11 : 457 and 1869, *Ibis* (7) 2 : 68) described *Puffinus elegans* from the South Atlantic Ocean, stating that the only form with which it might be identified was *Puffinus mundus* (Kuhl) (“*Nectris munda* Banks”) but that the only available diagnosis was too brief and incomplete to depend on (i.e. they considered *munda* indeterminable).

1876 : Salvin (Rowley's *Ornith. Misc.* 1 : 256), after looking carefully at the Parkinson drawing and Solander's manuscript note attached to the name *munda*, saw “little chance, from such incomplete materials, of coming to any decision respecting it”, but he published (: 236) Solander's brief diagnosis of the plumage characters of *munda*.

1908 : Godman (*Monogr. Petrels* 1 : 136—7) quoted the opinions of Giglioli & Salvadori and Salvin and was unable to determine *munda*.

- 1912 : Mathews (*Birds Austr.* 2 : 50—70) reviewed the history of the name, wrongly considered *Nectris munda* Kuhl, 1820 to be a *nomen nudum*, and recognized *Nectris munda* Salvin, 1876, “for a bird answering Solander’s description”, which he published in full for the first time. The name was used by Mathews in the combination *Puffinus assimilis munda* (Salvin, 1876).
- 1921—1936 : Several authors followed Mathews in the use of the combination *Puffinus assimilis munda* (Salvin, 1876) for small South Pacific shearwaters answering to Solander’s description (Mathews and Iredale, 1921, *Man. Birds Austr.* 1 : 23 ; Murphy, 1927, *Amer. Mus. Novit.* 276 : 4 ; Oliver, 1930, *N.Z. Birds* : 127).
- 1933 : Mathews (*Bull. Brit. Orn. Club* 54 (371) : 25) stated that *Proc. munda* Kuhl, 1820, was indeterminable (i.e., he corrected his earlier statement that it was a *nomen nudum*) and that *Nectris munda* Salvin, 1876 was also indeterminable on account of the meagre description given ; he therefore proposed *Puffinus kuhliana* *nom. nov.* for the bird described in Solander’s manuscript published by Mathews in 1912.
- 1936 : Murphy (*Oceanic Birds S. America* 2 : 682) stated that *Puffinus assimilis munda* (Salvin) appeared to him to be a synonym of the prior *Puffinus assimilis elegans* Giglioli & Salvadori, and did not mention *Nectris munda* Kuhl.
- 1943 : Fleming and Serventy (*Emu* 43 : 122—3) indicated that Kuhl’s publication of the name *Nectris munda* in 1820, with a brief description was not a *nomen nudum* but qualified as the earliest valid name of the subspecies later named *elegans* and *kuhliana*. They failed to observe that Kuhl’s name antedates *Puffinus assimilis* Gould, 1838, and, if accepted, would replace the latter as the specific name for six or more subspecies distributed in the North and South Atlantic, South Pacific, and south-east Indian oceans.
- 1949 : The British Ornithologists’ Union List Committee (*Ibis* 91(3) : 512) considered *Nectris munda* Kuhl, 1820 ; Kuhl’s description and the amplified description published by Salvin (1876) were considered inadequate to determine the species, and it was decided that *N. munda* was indeterminable.
- 1952 : Fleming and Serventy (*Emu* 52 : 17—23) reiterated their opinion that *Nectris munda* Kuhl, 1820 could be recognised from Kuhl’s brief description and locality as a race of the species generally known as *Puffinus assimilis* Gould, 1838, but agreed with other authorities that the best course was to consider the

name indeterminable, if this decision could be made irreversible by a Ruling from the International Commission on Zoological Nomenclature.

5. Summary : Since the publication in 1820 of the names *Proc.[ellaria] munda* Kuhl and *Nectris munda* Kuhl, the species so named has been considered indeterminable by all reviewers with the exception of two of the present applicants (Fleming & Serventy (1943)), who however, have since agreed (1952) that the suppression of the foregoing names is desirable in the interests of stability in nomenclature.

6. For the reasons set forth above we ask the International Commission :—

(1) to use its Plenary Powers to suppress the under-mentioned specific names for the purposes of the Law of Priority but not for those of the Law of Homonymy :—

(a) *munda* Kuhl, 1820, as published in the combination *Proc.[ellaria] munda* ;

(b) *munda* Kuhl, 1820, as published in the combination *Nectris munda* ;

(2) to place the specific names specified in (1) above, as there suppressed under the Plenary Powers, on the *Official Index of Rejected and Invalid Specific Names in Zoology*.

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : Upon the receipt in 1952 of Mr. W. B. Alexander's preliminary communication the question of the suppression under the Plenary Powers of the specific name *munda* Kuhl, 1820, as published in the combination *Proc.[ellaria] munda* (Class Aves), was allotted the Registered Number Z.N.(S.) 704.

3. Publication of the present application : The present application was sent to the printer on 20th February 1956 and was published on 12th June of the same year in Part 1 of Volume 12 of the *Bulletin of Zoological Nomenclature* (Alexander, Falla, Fleming, Murphy & Serventy, 1956, *Bull. zool. Nomencl.* **12** : 16—18).

4. Issue of Public Notices : Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* **4** : 51—56), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given on 12th June 1956 (a) in Part 1 of Volume 12 of the *Bulletin of Zoological Nomenclature* (the Part in which the application by Mr. Alexander and his colleagues was published) and (b) to the other prescribed serial publications. In addition, such Notice was given to four general zoological serial publications and to twelve ornithological serials in various parts of the world.

5. Comments Received : The publication of the present application in the *Bulletin of Zoological Nomenclature* and the issue of the Public Notices in regard thereto elicited a comment from a specialist in the United Kingdom on one of the aspects involved, as regards which a supplementary note was later furnished by Mr. Fleming on behalf of the applicants. The two documents concerned are reproduced in the immediately following paragraphs.

6. Comment received from W. R. P. Bourne (Hove, Sussex, England) : On 27th June 1956, Mr. W. R. P. Bourne (*Hove, Sussex, England*) addressed the following letter to the Office of the Commission in regard to the present case (Bourne, 1956, *Bull. zool. Nomencl.* **12** : 254—255) :—

In the *Bulletin of Zoological Nomenclature* **12** : 16—18, Messrs. Alexander, Falla, Fleming, Murphy, and Serventy propose the suppression of the specific name *Proc.[ellaria] munda* Kuhl, 1820. I am afraid that I have not been able to examine their proposal carefully, but I received the impression that these authors did not make it clear whether they wished to suppress the name on the grounds of identification or expediency. I submit that there can be no doubt about the identification ; if they wish to suppress this name (which has clear priority for the species) on the grounds of expediency I should like to support them. It seems desirable that a ruling should be obtained on the case with either alternative.

Proc.[ellaria] munda Kuhl was described from the unpublished Parkinson drawing no. 24 among the Banksian material at the British

Museum (Natural History). This is a scale pencil drawing made in the field during Cook's first expedition with notes of the colours of the soft parts and the date and place of origin which were quoted by Kuhl. The general appearance and dimensions of the drawing agree with either of the two small shearwaters *Proc.[ellaria] assimilis* Gould or *Proc.[ellaria] lherminieri* Lesson, but the colours of the soft parts are characteristic of *Proc.[ellaria] assimilis*. The drawing shows very prominent edges to all the feathers of the upper parts which appear to be the white borders characteristic of the subantarctic race of *Proc.[ellaria] assimilis* variously known by the names *Puffinus elegans* Giglioli and Salvadori, *P. a. munda* Murphy or *P. a. kuhliana* Mathews. All the other races of *Proc.[ellaria] assimilis* are uniformly dark above. (Murphy, *Amer. Mus. Novit.* 1927; Fleming & Serventy, *Emu* 43 : 113—125). The measurements of different specimens which I have examined are as follows :—

	Culmen (mm.)	Wing (mm.)	Tarsus (mm.)	Mid Toe (mm.)
Parkinson drawing 24 : 48 27S 93E (Type of <i>Proc. munda</i> 1820)	26	180+	39	48
Immature type of <i>Puffinus elegans</i>	27	188	40	48
8 <i>Puffinus assimilis</i> from Tristan (S. Atlantic)	25—27	183—195	39—41	42—48
1 <i>Puffinus assimilis</i> from Rapa Id. (S. Pacific)	25	196	40	43

If there is any further doubt about the identity of this drawing it should be resolved by the associated description of the same bird in the Solander MSS. Z4, p. 115 (first published by Mathews, 1912, *The Birds of Australia*, vol. 2) which states that the bird was “supra cinereo-nigricans, subta nivea” with the upper parts “calybeato-nigricantia”, a description which could only apply to the subantarctic form of *Proc.[ellaria] assimilis* Gould.

Therefore there does not appear to be any doubt about the precise identity of *Proc.[ellaria] munda* Kuhl, and the name has clear priority for the species *Proc.[ellaria] assimilis* Gould. It can only be discarded on the grounds of expediency. Streseman (*Ibis* 91 : 244; *Auk* 67 : 66) has already argued that many of the old names for birds collected on Cook's expeditions which have only recently been identified should be suppressed, on the ground of expediency. The same arguments apply to *Proc.[ellaria] munda* Kuhl, but if this case is admitted there are a very large number of other names which should be treated in the same way.

7. Rejoinder to W. R. P. Bourne's comment received from C. A. Fleming : On 3rd December 1956 there was received in the Office of the Commission a rejoinder to Mr. Bourne's comment on the present case (paragraph 6 above) from one of the applicants, Mr. C. A. Fleming, on behalf of himself and one of his co-applicants, Dr. Serventy. The statement so received is as follows :—

Two of the applicants in this case (Fleming and Serventy) agree with Bourne that the name is determinable, and the application for its suppression is based on grounds of expediency. It should be noted, however, that the clear evidence of the identity of *Proc.[ellaria] munda* Kuhl, 1820, cited by Bourne is not part of Kuhl's original description but is derived from manuscript sources in part published by Mathews, 1912 (*The Birds of Australia*, 2), and in part still unpublished (Parkinson's drawing No. 24). Under *Opinion* 126, this information is not relevant to the decision whether Kuh's name was determinable when proposed.

8. No Objection Received : No objection to the action proposed in the present case was received from any source.

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

9. Issue of Voting Paper V.P.(57)2 : On 22nd January 1957 a Voting Paper (V.P.(57)2) was issued in which the Members of the Commission were invited to vote either for, or against, " the proposal relating to the specific name *munda* Kuhl, 1820, as published in the combinations *Proc.* [sic] *munda* and *Nectris munda*, as set out in Points (1) and (2) in paragraph 6 on page 18 of Volume 12 of the *Bulletin of Zoological Nomenclature* " [i.e. in the paragraph numbered as above in the paper reproduced in the first paragraph of the present *Opinion*].

10. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 22nd April 1957.

11. Particulars of the Voting on Voting Paper V.P.(57)2 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(57)2 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-three (23) Commissioners (arranged in the order in which Votes were received) :*

Hering ; Boschma ; Holthuis ; Prantl ; Lemche ;
Mayr ; Dymond ; Bodenheimer ; Vokes ; Key ; Riley ;
Esaki ; Hemming ; Bonnet ; Mertens ; Stoll ; Cabrera ;
do Amaral ; Jaczewski ; Miller ; Kühnelt ; Tortonese ;
Sylvester-Bradley ;

(b) *Negative Votes :*

None ;

(c) *On Leave of Absence, one (1) :*

Bradley (J.C.) ;

(d) *Prevented from voting by interruption of postal communications consequent upon political disturbances, one (1) :*

Hankó ;

(e) *Voting Papers not returned :*

None.

12. Declaration of Result of Vote : On 24th April 1957, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(57)2, signed a Certificate that the Votes cast were as set out in paragraph 11 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the

decision so taken was the decision of the International Commission in the matter aforesaid.

13. Preparation of the Ruling given in the present "Opinion" : On 9th September 1957, Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(57)2.¹

14. Original References : The following is the original reference for the two names placed on the *Official Index of Rejected and Invalid Specific Names in Zoology* by the Ruling given in the present *Opinion* :—

<i>munda</i> , Proc.[<i>ellaria</i>], Kuhl, 1820	}	<i>Beitr. Zool. Vergl. Anat.</i> 1(2) : 148
<i>munda</i> , <i>Nectris</i> , Kuhl, 1820		

15. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

16. The present *Opinion* shall be known as *Opinion* Four Hundred and Ninety-Seven (497) of the International Commission on Zoological Nomenclature.

DONE in London, this Ninth day of September, Nineteen Hundred and Fifty-Seven.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING

¹ After the present *Opinion* had been signed and when it was already in the Press, a letter dated 14th October, 1957 in support of the application submitted by Mr. Alexander and his colleagues was received from Dr. Dean Amadon (*The American Museum of Natural History, New York*). Dr. Amadon there stated :—“I am in favor of the proposal by Fleming and others that the specific name *munda* of Kuhl be suppressed”.